

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

LA TOYA JORDAN,

Plaintiff,

v.

AMAZON.COM, INC.,

Defendant.

CASE NO. 2:24-cv-01952-RSL

ORDER OF REMAND

On April 3, 2025, after reviewing defendant's motion to dismiss and plaintiff's complaint, the Court ordered defendant to show cause why this matter should not be remanded to state court for lack of federal jurisdiction. Dkt. # 27. Defendant removed the case from state court based on the assertion that plaintiff's claims arise under federal law. The only two causes of action asserted, however, are based on the Washington Law Against Discrimination ("WLAD").

Article III, § 2 of the Constitution provides that "[t]he judicial Power [of the United States] shall extend ... to all Cases ... arising under this Constitution, the Laws of the United States ... [or] between Citizens of different States." The constitutional grant of authority is not self-executing, and the federal courts rely on the congressional

1 authorization codified at 28 U.S.C. § 1331 to exercise jurisdiction over “all civil actions  
2 arising under the Constitution, laws, or treaties of the United States.” *See Merrell Dow*  
3 *Pharm. Inc. v. Thompson*, 478 U.S. 804, 807 (1986). Under both provisions, the  
4 jurisdiction of the federal courts is limited, and a court is “presumed to lack jurisdiction in  
5 a particular case unless the contrary affirmatively appears.” *Stock W., Inc. v. Confederated*  
6 *Tribes*, 873 F.2d 1221, 1225 (9th Cir. 1989). “Although the constitutional meaning of  
7 ‘arising under’ may extend to all cases in which a federal question is ‘an ingredient’ of the  
8 action, *Osborn v. Bank of the United States*, 9 Wheat. 738, 823, 6 L.Ed. 204 (1824), [the  
9 Supreme Court has] long construed the statutory grant of federal-question jurisdiction as  
10 conferring a more limited power.” *Merrell Dow Pharm.*, 478 U.S. at 807-08.

13 While the concept of “arising under” may in some cases be difficult to define:

14 [t]he most familiar definition of “arising under” jurisdiction is that of Justice  
15 Holmes: “A suit arises under the law that creates the cause of action.”  
16 [*Franchise Tax Bd. v. Constr. Laborers Vacation Trust*, 463 U.S. 1, 8-9  
17 (1983)] (quoting *Am. Well Works Co. v. Layne & Bowler Co.*, 241 U.S. 257,  
18 260 (1916)). When a plaintiff’s complaint relies on federal law as the source  
19 of recovery, it is obvious that the case “arises under” federal law and  
20 therefore may be removed to federal court. *Id.* 463 U.S. at 9; *see also*  
21 [*Merrell Dow Pharm.*, 478 U.S. at 808] (“[T]he vast majority of cases  
brought under the general federal-question jurisdiction are those in which  
federal law creates the cause of action.”).

22 *Ethridge v. Harbor House Rest.*, 861 F.2d 1389, 1394 (9th Cir. 1988). Defendant, as the  
23 removing party, has the burden of establishing the Court’s jurisdiction, and any doubts  
24 regarding removability will be resolved in favor of remanding the matter to state court.

1 *See, e.g., Shamrock Oil & Gas Corp. v. Sheets*, 313 U.S. 100, 108-09 (1941); *Durham v.*  
2 *Lockheed Martin Corp.*, 445 F.3d 1247, 1252 (9th Cir. 2006).


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4 Plaintiff's complaint states at the outset that defendant is an "employer" within the  
5 meaning of Title VII and that the Court has subject matter jurisdiction by virtue of the  
6 federal Family Medical Leave Act ("FMLA"). Dkt. # 1-2 at ¶¶ 1.2 and 2.1. While these  
7 references surely give the impression that plaintiff "might be asserting at least one federal  
8 cause of action, the actual causes of actions stated in the complaint all sound in state law."  
9 *Rains v. Criterion Sys., Inc.*, 80 F.3d 339, 343 (9th Cir. 1996) (internal footnote omitted).  
10 Defendant clearly understood the complaint to assert only state law claims, having sought  
11 dismissal of the action without addressing any federal issues or considering whether  
12 plaintiff had exhausted her administrative remedies as would be required before she could  
13 file a Title VII claim. Dkt. # 5. The only other reference to federal law is in the prayer for  
14 relief section of the complaint, where plaintiff requests attorney's fees and costs under both  
15 federal and state law. Dkt. # 1-2 at 27. The Ninth Circuit has deemed this same  
16 constellation of references and requests insufficient to establish federal jurisdiction, noting  
17 that "[i]t is the nature of the cause of action that is controlling." *Rains*, 80 F.3d 339, 343-44  
18 (9th Cir. 1996).  
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22 Plaintiff has not asserted a claim under either Title VII or the FMLA, nor has she  
23 alleged facts which could plausibly give rise to such a claim. Unsupported and seemingly  
24 extraneous references to federal statutes in the "Parties," "Jurisdiction," and "Relief  
25 Requested" sections do not transform the state law causes of action that have actually been  
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1 asserted into federal claims. Whether plaintiff is entitled to relief at all and the remedies  
2 available to her will be determined with reference to the WLAD, not Title VII or the  
3 FMLA. Federal courts “have consistently emphasized that, in exploring the outer reaches  
4 of § 1331, determinations about federal jurisdiction require sensitive judgments about  
5 congressional intent, judicial power, and the federal system.” *Merrell Dow Pharm.*, 478  
6 U.S. at 810. All three of those considerations support remand. To do otherwise would  
7 stretch federal jurisdiction beyond its constitutional, statutory, and systemic limits,  
8 requiring a federal court to decide purely state law claims simply because there is an  
9 unsupported reference to a federal remedy somewhere in the complaint.  
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13 The Clerk of Court is directed to remand this matter to King County Superior Court.  
14 Having no jurisdiction over this matter, the Court declines defendant’s request that it  
15 modify plaintiff’s complaint prior to remand.  
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19 Dated this 28th day of April, 2025.

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22 Robert S. Lasnik  
23 United States District Judge  
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